

WILLIAM DONALD SCHAEFER, Governor

10-303.

The specimen of breath or blood FOR THE PURPOSE OF TESTING FOR ALCOHOL CONCENTRATION shall be taken within [two] 2 hours after the person accused is apprehended.

10-304.

(a) (1) In this section the following words have the meanings indicated.

(2) "Qualified medical person" means any person permitted by law to withdraw blood from humans.

(3) "Qualified person" means a person who has received training in the use of the equipment in a training program approved by the toxicologist under the Postmortem Examiners Commission and who is either a police officer, a police employee, or an employee of the office of the Chief Medical Examiner.

(b) The [chemical] test of breath shall be administered by a qualified person with equipment approved by the toxicologist under the Postmortem Examiners Commission at the direction of a police officer. The officer arresting the individual may not administer the [chemical] test of breath.

(c) (1) (I) The blood shall be obtained by a qualified medical person using equipment approved by the toxicologist under the Postmortem Examiners Commission acting at the request of a police officer.

(II) A CERTIFIED STATEMENT BY THE QUALIFIED MEDICAL PERSON WHO OBTAINED THE BLOOD SHALL BE PRIMA FACIE EVIDENCE OF THAT PERSON'S QUALIFICATIONS AND THAT THE BLOOD WAS OBTAINED IN COMPLIANCE WITH THIS SECTION.

(III) THE CERTIFIED STATEMENT IS ADMISSIBLE IN EVIDENCE WITHOUT THE NECESSITY OF THE QUALIFIED MEDICAL PERSON APPEARING IN COURT.

(2) The [chemical] test of blood shall be conducted by a qualified person using equipment approved by the toxicologist under the Postmortem Examiners Commission in a laboratory approved by [that] THE toxicologist.

[(d) The person tested is permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer, and in the event no test is offered or requested by the police officer, the person may request, and the officer shall have administered one of the chemical tests provided for in this section.]